

Message Text

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PAGE 01 STATE 127112
ORIGIN EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 INRE-00
/036 R

DRAFTED BY EB/OA/AVP:GGGRIFFITHS:JH

APPROVED BY EB/OA:MHSTYLES

EUR/NE:DGOODMAN

CAB:JGREENE

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O 182122Z MAY 78

FM SECSTATE WASHDC

TO AMEMBASSY LONDON IMMEDIATE

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E.O. 11652: N/A

TAGS:EAIR, UK

SUBJECT: CIVAIR: SHORT NOTICE FILINGS

1. DEPARTMENT UNDERSTANDS BRITISH AIRWAYS IS INFORMING CAA
THAT UK MUST APPROVE BA SHORT NOTICE APEX FILING BECAUSE
CAB HAS APPROVED IT. OTHERWISE, BA ARGUMENT GOES, IT WILL
BE VIOLATING US LAW IF CHARGES A TARIFF DIFFERENT FROM WHAT
US CAB HAS APPROVED. IN PRIMARY SUPPORT OF THIS AGREEMENT,
BA REPORTEDLY CITING SECTION 403 OF THE FEDERAL AVIATION
ACT OF 1958.

2. WE WILL PROVIDE FULLER LEGAL ARGUMENTATION IN SEPTEL
TO FOLLOW. HOWEVER, INITIAL USG REACTIONS IS TO POINT OUT
THAT SUCH AN ARGUMENT MAKES A MOCKERY OF BILATERAL REQUIRE-
MENT THAT BOTH GOVERNMENTS MUST APPROVE TARIFFS BEFORE
THEY CAN BECOME EFFECTIVE. IF SITUATION WERE REV:RSED, CAB
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WOULD CLEARLY NOT ACCEPT ARGUMENT THAT CAA APPROVAL MEANS
THAT CAB MUST APPROVE TARIFF.

3. IN POINT OF FACT, BRITISH AIRWAYS HAS NOT YET ACTUALLY
FILED THE TARIFFS THAT WERE THE REASON FOR ITS SHORT NOTICE
REQUEST. BRITISH AIRWAYS' SHORT NOTICE REQUEST WAS
PRECISELY THAT, I.E. A REQUEST THAT IT BE PERMITTED TO FILE

TARIFFS FOR EFFECTIVENESS LESS THAN 75 DAYS FROM THE DATE OF ITS FILING. THE CAB HAS NOT YET APPROVED ACTUAL TARIFFS, IT HAS ONLY GRANTED PERMISSION TO FILE THEM.

4. AT THIS POINT, BRITISH AIRWAYS CAN AVOID ANY POTENTIAL LEGAL PROBLEMS BY SIMPLY NOT FILING THE ACTUAL TARIFFS, AND INSTEAD AWAIT CAA APPROVAL. IF AND WHEN THAT COMES, BA COULD THEN EXERCISE ITS SHORT NOTICE REQUEST APPROVAL AND FILE WITH THE CAB TO MATCH THE DATE OF EFFECTIVENESS APPROVED BY THE CAA. VANCE

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AVIATION AGREEMENTS, AIR FARES, AIR ROUTES
Control Number: n/a
Copy: SINGLE
Draft Date: 18 may 1978
Decapton Date: 01 jan 1960
Decapton Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE127112
Document Source: CORE
Document Unique ID: 00
Drafter: GGGRIFFITHS.JH
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780210-0297
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780543/aaaabkhy.tel
Line Count: 72
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 6883169b-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2647025
Secure: OPEN
Status: NATIVE
Subject: CIVAIR: SHORT NOTICE FILINGS
TAGS: EAIR, UK, US, BRITISH AIRWAYS, TWA, PANAM
To: LONDON
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/6883169b-c288-dd11-92da-001cc4696bcc
Review Markings:
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